

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Civil Action No.: 3:23-cv-00245-MOC-DCK

SOMERO ENTERPRISES, INC.,

Plaintiff

v.

**TOPP & SCREED S.A. and INDUSTRIAL
FLOOR CONSULTING, INC.,**

Defendants.

**DECLARATION OF SARAH E. WAIDELICH IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO DEFENDANTS'
MOTION TO STAY**

I, Sarah E. Waidelich, hereby declare as follows:

1. I am an attorney duly admitted *pro hac vice* to practice before the United States District Court for the Western District of North Carolina. I am a partner with the law firm of Honigman LLP and counsel of record for Plaintiff Somero Enterprises, Inc. in this matter. The facts set forth within are my personal knowledge, and if called upon to testify, I could and would competently testify thereto.

2. I certify that on October 27, 2023, Plaintiff served a first set of requests for production and interrogatories on Defendants Topp & Screed S.A. and Industrial Floor Consulting, Inc. ("Defendants").

3. I certify that on November 20, 2023, pursuant to the Court's claim construction scheduling order, Plaintiff served its Disclosure of Asserted Claims and Infringement Contentions.

4. I certify that on November 27, 2023, Defendants served responses to Plaintiff's requests for production and interrogatories. I further certify that Defendants did not produce any documents in connection with their responses.

5. Although Defendants have, to date, failed to produce documents in response to Plaintiff's requests, I certify that Plaintiff has demanded that it do so in short order.

6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

7. U.S. Patent No. 6,976,805 to Quenzi et al ("Quenzi") is a Somero patent. It was originally assigned to Delaware Capital Formation, Inc. (listed on the face of Quenzi) but was subsequently assigned to Somero Enterprises, Inc. in 2005.

Executed on December 13, 2023

/s/ Sarah E. Waidelich

Sarah E. Waidelich
*Counsel for Plaintiff Somero Enterprises,
Inc.*